

REMARKS:

In the foregoing amendments, claims 7-9 were amended to better define applicant's invention and in response to the rejection under 35 U.S.C §112, second paragraph, that was set forth in the outstanding Office action.

Claims 7-9 are the only claims pending in the application at this time. These claims were rejected under 35 U.S.C § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Official action stated that each of claim 7 through 9 recite the limitations "said sealing members having a width" and "added to said width of said sealing members," but it is not clear whether the width of the sealing members as recited in these limitations refers to the width of the sealing members individually or the width of the plural sealing members collectively, thus rendering indefinite the metes and bounds of protection sought by the claims.

In the foregoing amendments, the sealing members were defined as respectively having a width, and the length of the connecting pipes was defined as longer than a sum of the second distance between the temperature controlled heat exchanger and the second block added to the width of a respective the sealing member. Thus, applicant's claims refer to the width of the sealing members individually.

Applicant respectfully submits that any person skilled in the art would attach a particular and definite meaning to claims 7-9 as amended above within the meaning of 35 U.S.C §112, second paragraph. Therefore, applicant respectfully requests that the examiner reconsider and withdraw this rejection.

Applicant respectfully requests that the foregoing amendments be entered under the provisions of 37 C.F.R. § 1.116(b) for the purposes of placing the application in condition for allowance or for the purposes of appeal. The foregoing amendments simply correct idiomatic errors and better define applicant's invention, thereby reducing issues for appeal and under consideration for patentability. Therefore, applicant respectfully requests that the foregoing amendments be entered under the provisions of 37 C.F.R. § 1.116(b) for the purposes of placing the application in condition for allowance or for the purposes of appeal.

The Official action maintained the new matter rejections and objections as set forth in the previous Office action. Along these lines, the Official action required the filing of a petition for approving entry of the substitute declaration, which was filed in the United States Patent and Trademark Office (USPTO) together with the response on July 28, 2003. Applicant prepared and filed an appropriate Petition Under 37 CFR §1.182 for Accepting Later Filed Declaration as Original Declaration in USPTO on March 2, 2004. The Commissioner granted this petition on May 4, 2004. In particular, the Commissioner stated that the application

comprises the application papers filed on August 8, 2001, including the preliminary amendment, and the declaration filed on July 28, 2003. In particular, the Commissioner stated that the preliminary amendment filed on August 8, 2001, is part of original disclosure.

Applicant respectfully submits that the entry of the substitute declaration filed on July 28, 2003, into the application; together with the preliminary amendment filed on August 8, 2001, being part of original disclosure; removes all of the objections and rejections set forth by the examiner in the outstanding Office action with the exception of the rejection of claim 7-9 under 35 U.S.C. § 112, second paragraph, set forth in item 14 on page 5 of the Official action. This rejection was addressed in the foregoing amendments and remarks. Since there is no other rejection of (or objection to) claims 7-9 in the application or to applicant's specification, a formal allowance of claims 7-9 is respectfully requested.


In view of the foregoing amendments and remarks, favorable consideration and a formal allowance of claims 7-9 are respectfully requested.

While it is believed that the present response places the application in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolved any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well

as any other fees which may become due, may be charged to our deposit  
account No. 22-0256.

Respectfully submitted,  
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